

Senate File 476

H-1336

1 Amend Senate File 476, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 PUBLIC RECORDS — CONFIDENTIALITY — CIVIL ENFORCEMENT

7 Section 1. Section 9E.1, Code 2021, is amended to read as
8 follows:

9 **9E.1 Purpose.**

10 The general assembly finds that individuals attempting to
11 escape from actual or threatened domestic abuse, domestic
12 abuse assault, sexual abuse, assault, stalking, or human
13 trafficking frequently establish new addresses in order to
14 prevent their assailants or probable assailants from finding
15 them. The purpose of [this chapter](#) is to enable state and local
16 agencies to respond to requests for data without disclosing
17 the location of a victim of domestic abuse, domestic abuse
18 assault, sexual abuse, assault, stalking, or human trafficking;
19 to enable interagency cooperation with the secretary of state
20 in providing address confidentiality for victims of domestic
21 abuse, domestic abuse assault, sexual abuse, assault, stalking,
22 or human trafficking; and to enable program participants to use
23 an address designated by the secretary of state as a substitute
24 mailing address for the purposes specified in [this chapter](#).
25 In addition, the purpose of [this chapter](#) is to prevent such
26 victims from being physically located through a public records
27 search.

28 Sec. 2. Section 9E.2, subsection 6, paragraph a, Code 2021,
29 is amended to read as follows:

30 *a. "Eligible person" means a person who is all a resident of
31 this state, an adult, a minor, or an incapacitated person as
32 defined in section 633.701, and is one of the following:*

33 *(1) ~~A resident of this state.~~*

34 *(2) ~~An adult, a minor, or an incapacitated person as defined~~
35 ~~in [section 633.701](#).~~*

1 administration of this subsection.

2 Sec. 6. Section 22.10, subsection 3, paragraph b,
3 subparagraph (2), Code 2021, is amended to read as follows:

4 (2) Had good reason to believe and in good faith believed
5 facts which, if true, would have indicated compliance with
6 the requirements of [this chapter](#). For purposes of this
7 subparagraph, "good reason to believe and in good faith believed"
8 means the person engaged in a balancing test in weighing the
9 individual privacy interest against the public's need to access
10 the record based upon a reasonable reliance on the facts.

11 Sec. 7. Section 331.604, subsection 3, Code 2021, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. *f.* Upon request by a law enforcement
14 officer, as defined in section 80B.3, or state or federal
15 judicial officer or state or federal prosecutor, the assessor
16 or the assessor's staff shall redact the requestor's name
17 contained in electronic documents that are displayed for public
18 access through an internet site. This paragraph does not apply
19 to a requestor holding or seeking public office. The assessor
20 shall implement and maintain a process to facilitate these
21 requests. A fee shall not be charged for the administration
22 of this paragraph.

23 Sec. 8. Section 622.10, subsection 9, paragraphs a and b,
24 Code 2021, are amended to read as follows:

25 *a.* A peer support group counselor or individual present
26 for a group crisis intervention who obtains information from
27 an officer or a civilian employee of a law enforcement agency
28 or fire department by reason of the counselor's capacity as a
29 peer support group counselor or an individual's presence for
30 a group crisis intervention shall not be allowed, in giving
31 testimony, to disclose any confidential communication properly
32 entrusted to the counselor or individual present for a group
33 crisis intervention by the officer or civilian employee while
34 receiving counseling or group crisis intervention.

35 *b.* The prohibition in [this subsection](#) does not apply

1 where the officer or civilian employee has consented to the
2 disclosure of the information specified in paragraph "a" or
3 where the peer support group counselor or individual present
4 for a group crisis intervention was an initial responding
5 officer, a witness, or a party to the incident which prompted
6 the delivery of peer support group counseling services or the
7 group crisis intervention to the officer or civilian employee.

8 DIVISION II

9 UNIFORM COMMERCIAL CODE — FRAUDULENT FILINGS

10 Sec. 9. Section 554.9510, subsection 1, Code 2021, is
11 amended to read as follows:

12 1. *Filed record effective if authorized.* A filed record
13 is effective only to the extent that it was filed by a person
14 that may file it under [section 554.9509](#) or by the filing office
15 under section 554.9513A.

16 Sec. 10. NEW SECTION. 554.9513A Termination of wrongfully
17 filed financing statement — reinstatement.

18 1. *Trusted filer.* "Trusted filer" means a person that does
19 any of the following:

20 a. Regularly causes records to be communicated to the
21 filing office for filing and has provided the filing office
22 with current contact information and information sufficient to
23 establish the person's identity.

24 b. Satisfies either of the following conditions:

25 (1) The filing office has issued the person credentials for
26 access to online filing services.

27 (2) The person has established a prepaid or direct debit
28 account for payment of filing fees, regardless of whether the
29 account is used in a particular transaction.

30 2. *Affidavit of wrongful filing.* A person identified as
31 debtor in a filed financing statement may deliver to the
32 filing office a notarized, sworn affidavit that identifies the
33 financing statement by file number, indicates the affiant's
34 mailing address, and states that the affiant believes that
35 the filed record identifying the affiant as debtor was not

1 authorized to be filed and was caused to be communicated to the
2 filing office with the intent to harass or defraud the affiant.
3 The filing office may reject an affidavit that is incomplete or
4 that it believes was delivered to it with the intent to harass
5 or defraud the secured party. The office of the secretary
6 of state shall adopt a form of affidavit for use under this
7 section.

8 3. *Termination statement by filing office.* Subject to
9 subsection 11, if an affidavit is delivered to the filing
10 office under subsection 2, the filing office shall promptly
11 file a termination statement with respect to the financing
12 statement identified in the affidavit. The termination
13 statement must identify by its file number the initial
14 financing statement to which it relates and must indicate that
15 it was filed pursuant to this section. A termination statement
16 filed under this subsection is not effective until ninety days
17 after it is filed.

18 4. *No fee charged or refunded.* The filing office shall not
19 charge a fee for the filing of an affidavit under subsection
20 2 or a termination statement under subsection 3. The filing
21 office shall not return any fee paid for filing the financing
22 statement identified in the affidavit, whether or not the
23 financing statement is reinstated under subsection 7.

24 5. *Notice of termination statement.* On the same day that a
25 filing office files a termination statement under subsection
26 3, the filing office shall send to the secured party of record
27 for the financing statement to which the termination statement
28 relates a notice stating that the termination statement
29 has been filed and will become effective ninety days after
30 filing. The notice shall be sent by certified mail, return
31 receipt requested, to the address provided for the secured
32 party of record in the financing statement with a copy sent by
33 electronic mail to the electronic mail address provided by the
34 secured party of record, if any.

35 6. *Administrative review — action for reinstatement.* A

1 secured party that believes in good faith that the filed record
2 identified in an affidavit delivered to the filing office under
3 subsection 2 was authorized to be filed and was not caused to
4 be communicated to the filing office with the intent to harass
5 or defraud the affiant may:

6 *a.* Before the termination statement takes effect, request
7 that the filing office conduct an expedited review of the
8 filed record and any documentation provided by the secured
9 party. The filing office may as a result of this review
10 remove from the record the termination statement filed by
11 it under subsection 3 before it takes effect and conduct an
12 administrative review under subsection 11.

13 *b.* File an action against the office seeking reinstatement
14 of the financing statement to which the filed record relates at
15 any time before the expiration of six months after the date on
16 which the termination stated filed under subsection 3 becomes
17 effective. If the affiant is not named as a defendant in the
18 action, the secured party shall send a copy of the petition to
19 the affiant at the address indicated in the affidavit. The
20 exclusive venue for the action shall be in the district court
21 for the county where the filing office in which the financing
22 statement was filed is located. The action shall be considered
23 by the court on an expedited basis.

24 7. *Filing office to file notice of action for*
25 *reinstatement.* Within ten days after being served with process
26 in an action under subsection 6, the filing office shall file
27 a notice indicating that the action has been commenced. The
28 notice must indicate the file number of the initial financing
29 statement to which the notice relates.

30 8. *Action for reinstatement successful.* If, in an action
31 under subsection 6, the court determines that the financing
32 statement was authorized to be filed and was not caused to be
33 communicated to the filing office with the intent to harass or
34 defraud the affiant, the court shall order that the financing
35 statement be reinstated. If an order of reinstatement is

1 issued by the court, the filing office shall promptly file a
2 record that identifies by its file number the initial financing
3 statement to which the record relates and indicates that the
4 financing statement has been reinstated.

5 9. *Effect of reinstatement.* Upon the filing of a record
6 reinstating a financing statement under subsection 8, the
7 effectiveness of the financing statement is reinstated and the
8 financing statement shall be considered never to have been
9 terminated under this section except as against a purchaser of
10 the collateral that gives value in reasonable reliance upon
11 the termination. A continuation statement filed as provided
12 in section 554.9515, subsection 4, after the effective date of
13 a termination statement filed under subsection 3 or 11 becomes
14 effective if the financing statement is reinstated.

15 10. *Liability for wrongful filing.* If, in an action under
16 subsection 6, the court determines that the filed record
17 identified in an affidavit delivered to the filing office under
18 subsection 2 was caused to be communicated to the filing office
19 with the intent to harass or defraud the affiant, the filing
20 office and the affiant may recover from the secured party that
21 filed the action the costs and expenses, including reasonable
22 attorney fees and the reasonable allocated costs of internal
23 counsel, that the filing office and the affiant incurred in the
24 action. This recovery is in addition to any recovery to which
25 the affiant is entitled under section 554.9625.

26 11. *Procedure for record filed by trusted filer.* If an
27 affidavit delivered to a filing office under subsection 2
28 relates to a filed record communicated to the filing office by
29 a trusted filer, the filing office shall promptly send to the
30 secured party of record a notice stating that the affidavit has
31 been delivered to the filing office and that the filing office
32 is conducting an administrative review to determine whether the
33 record was caused to be communicated with the intent to harass
34 or defraud the affiant. The notice shall be sent by certified
35 mail, return receipt requested, to the address provided for

1 the secured party in the financing statement with a copy sent
2 by electronic mail to the electronic mail address provided
3 by the secured party of record, if any, and a copy shall be
4 sent in the same manner to the affiant. The administrative
5 review shall be conducted on an expedited basis and the filing
6 office may require the affiant and the secured party of record
7 to provide any additional information that the filing office
8 deems appropriate. If the filing office concludes that the
9 record was caused to be communicated with the intent to harass
10 or defraud the affiant, the filing office shall promptly file a
11 termination statement under subsection 2 that will be effective
12 immediately and send to the secured party of record the notice
13 required by subsection 5. The secured party may thereafter
14 file an action for reinstatement under subsection 6 and the
15 provisions of subsections 7 through 10 are applicable.

16 Sec. 11. NEW SECTION. 714.29 Records filed with intent to
17 harass or defraud.

18 1. A person shall not cause to be communicated to the filing
19 office as defined in section 554.9102 for filing a record if
20 all of the following are true:

21 a. The person is not authorized to file the record under
22 section 554.9509.

23 b. The record is not related to an existing or anticipated
24 transaction that is or will be governed by chapter 554, article
25 9.

26 c. The record is filed with the intent to harass or defraud
27 the person identified as debtor in the record.

28 2. A person that violates subsection 1 is guilty of a simple
29 misdemeanor for a first offense and a serious misdemeanor for a
30 second or subsequent offense.

31 DIVISION III

32 ACCRUED SICK LEAVE — RETIRED PUBLIC SAFETY EMPLOYEES

33 Sec. 12. NEW SECTION. 70A.23A Credit for accrued sick leave
34 — public safety employees.

35 A public safety employee, as defined by section 20.3,

1 subsection 11, who retires and has applied for retirement
2 benefits under an eligible retirement system, shall receive
3 credit for all accumulated, unused sick leave which shall be
4 converted at current value and credited to an account for the
5 public safety employee for the purpose of paying the public
6 safety employee's cost of the monthly premiums for continuance
7 of the public safety employee's health insurance plan. Upon
8 the death of a retired public safety employee, the spouse
9 or surviving spouse shall be entitled to the value of the
10 accumulated unused sick leave for the purpose of paying the
11 cost of monthly premiums for continuation of a public safety
12 employee's health insurance policy for the public safety
13 employee's surviving spouse or dependents. This section shall
14 not apply to sections 509A.13 and 509A.13A.

15 DIVISION IV

16 WORKERS' COMPENSATION — ACTIONS AND OFFSETS

17 Sec. 13. Section 85.26, subsection 1, Code 2021, is amended
18 to read as follows:

19 1. An original proceeding for benefits under [this chapter](#)
20 or [chapter 85A](#), [85B](#), or [86](#), shall not be maintained in any
21 contested case unless the proceeding is commenced within two
22 years from the date of the occurrence of the injury for which
23 benefits are claimed or one year from the date a denial of
24 liability is received by the employee, whichever is later,
25 or, if weekly compensation benefits are paid under section
26 86.13, within three years from the date of the last payment
27 of weekly compensation benefits. For the purposes of this
28 section, "*date of the occurrence of the injury*" means the date
29 that the employee knew or should have known that the injury was
30 work-related.

31 Sec. 14. Section 97A.6, subsection 11, Code 2021, is amended
32 to read as follows:

33 11. *Pensions offset by compensation benefits.*

34 a. Any amounts which may be paid or payable by the state
35 under the provisions of any workers' compensation or similar

1 law to a member or to the dependents of a member on account of
2 any disability or death, shall be offset against and payable
3 in lieu of any benefits payable out of the retirement fund
4 provided by the state under the provisions of **this chapter** on
5 account of the same disability or death. In case the present
6 value of the total commuted benefits under said workers'
7 compensation or similar law is less than the present value
8 of the benefits otherwise payable from the retirement fund
9 provided by the state under **this chapter**, then the present
10 value of the commuted payments shall be deducted from the
11 pension payable and such benefits as may be provided by the
12 system so reduced shall be payable under the provisions of this
13 chapter.

14 b. Notwithstanding paragraph "a", any workers' compensation
15 benefits received by a member for past medical expenses or
16 future medical expenses shall not be offset against and not
17 considered payable in lieu of any retirement allowance payable
18 pursuant to this section on account of the same disability.

19 c. Notwithstanding paragraph "a", any workers' compensation
20 benefits received by a member for reimbursement of vacation
21 time used, sick time used, or for any unpaid time off from work
22 shall not be offset against and not considered payable in lieu
23 of any retirement allowance payable pursuant to this section on
24 account of the same disability.

25 Sec. 15. Section 97B.50A, subsection 5, Code 2021, is
26 amended to read as follows:

27 5. *Offset to allowance.*

28 a. Notwithstanding any provisions to the contrary in state
29 law, or any applicable contract or policy, any amounts which
30 may be paid or payable by the employer under any workers'
31 compensation, unemployment compensation, employer-paid
32 disability plan, program, or policy, or other law to a member,
33 and any disability payments the member receives pursuant to
34 the federal Social Security Act, 42 U.S.C. §423 et seq.,
35 shall be offset against and payable in lieu of any retirement

1 allowance payable pursuant to [this section](#) on account of the
2 same disability.

3 b. Notwithstanding paragraph "a", any workers' compensation
4 benefits received by a member for past medical expenses or
5 future medical expenses shall not be offset against and not
6 considered payable in lieu of any retirement allowance payable
7 pursuant to this section on account of the same disability.

8 c. Notwithstanding paragraph "a", any workers' compensation
9 benefits received by a member for reimbursement of vacation
10 time used, sick time used, or for any unpaid time off from work
11 shall not be offset against and not considered payable in lieu
12 of any retirement allowance payable pursuant to this section on
13 account of the same disability.

14 DIVISION V

15 CIVIL SERVICE COMMISSION EXAMINATIONS

16 Sec. 16. Section 400.8, subsection 2, Code 2021, is amended
17 to read as follows:

18 2. The commission shall establish the guidelines for
19 conducting the examinations under [subsection 1](#) of [this section](#).
20 ~~It may prepare and administer the examinations or may~~ The
21 commission shall hire persons with expertise to do so if the
22 commission approves the examinations prepare and administer
23 the examinations approved by the commission. It may also
24 hire persons with expertise to consult in the preparation of
25 such examinations if the persons so hired are employed to aid
26 personnel of the commission in assuring that a fair examination
27 is conducted. A fair examination shall explore the competence
28 of the applicant in the particular field of examination.

29 Sec. 17. Section 400.9, subsection 2, Code 2021, is amended
30 to read as follows:

31 2. The commission shall establish guidelines for conducting
32 the examinations under [subsection 1](#). ~~It may prepare and~~
33 ~~administer the examinations or may~~ The commission shall hire
34 persons with expertise to do so if the commission approves
35 the examinations and if the examinations apply to prepare and

1 administer the examinations approved by the commission for
2 the position in the city for which the applicant is taking
3 the examination. It may also hire persons with expertise to
4 consult in the preparation of such examinations if the persons
5 so hired are employed to aid personnel of the commission
6 in assuring that a fair examination is conducted. A fair
7 examination shall explore the competence of the applicant in
8 the particular field of examination. The names of persons
9 approved to administer any examination under **this section** shall
10 be posted in the city hall at least twenty-four hours prior to
11 the examination.

12 DIVISION VI

13 COLLECTIVE BARGAINING

14 Sec. 18. Section 20.1, subsection 2, paragraph a, Code 2021,
15 is amended to read as follows:

16 a. Determining appropriate bargaining units, amending
17 the composition of previously determined bargaining units
18 represented by a certified employee organization, reconsidering
19 and altering the composition of previously determined
20 bargaining units which are not represented by a certified
21 employee organization, and conducting representation elections.

22 Sec. 19. Section 20.3, subsection 11, Code 2021, is amended
23 by adding the following new paragraphs:

24 NEW PARAGRAPH. g. A correctional officer or correctional
25 supervisor employed by the Iowa department of corrections whose
26 primary purpose is, through ongoing direct inmate contact, to
27 enforce and maintain discipline, safety, and security within a
28 correctional facility.

29 NEW PARAGRAPH. h. A jailer or detention officer who
30 performs duties as a jailer, including but not limited to the
31 transportation of inmates, who is certified as having completed
32 jailer training pursuant to chapter 80B, and who is employed
33 by a county as a jailer.

34 NEW PARAGRAPH. i. A peace officer employed by an
35 institution under the control of the state board of regents

1 whose position requires law enforcement certification pursuant
2 to section 262.13.

3 NEW PARAGRAPH. *j.* An emergency dispatcher for a county
4 sheriff.

5 Sec. 20. Section 20.13, Code 2021, is amended to read as
6 follows:

7 **20.13 Bargaining unit determination, amendment, and**
8 **reconsideration.**

9 1. ~~Board~~ The board's determination of an appropriate
10 bargaining unit shall be upon petition filed by a public
11 employer, public employee, or employee organization. Except
12 as provided in subsection 4, the board's amendment of the
13 composition of a represented bargaining unit shall be upon
14 petition filed by the employer or certified representative
15 of the bargaining unit. The board's reconsideration of the
16 composition of a previously determined bargaining unit which is
17 not represented by a certified representative shall be upon the
18 combined petition of an employee organization which also seeks
19 a representation election pursuant to section 20.14, subsection
20 2.

21 2. Within thirty days of receipt of a petition, the board
22 shall conduct a public hearing, receive written or oral
23 testimony, and promptly thereafter file an order defining
24 the appropriate bargaining unit, amending or refusing to
25 amend the composition of a represented bargaining unit or
26 reconsidering and altering or refusing to alter the composition
27 of an unrepresented bargaining unit. In defining the unit,
28 or determining whether a unit should be amended or altered
29 in response to a petition for amendment or reconsideration,
30 the board shall take into consideration, along with other
31 relevant factors, the principles of efficient administration
32 of government, the existence of a community of interest among
33 public employees, the history and extent of public employee
34 organization, geographical location, and the recommendations
35 of the parties involved.

1 ~~3. Appeals from such order shall be governed by the~~
2 ~~provisions of chapter 17A.~~

3 ~~4. 3.~~ Professional and nonprofessional employees shall not
4 be included in the same bargaining unit unless a majority of
5 both agree.

6 4. Notwithstanding the provisions of subsection 1, a
7 petition to amend the composition of a represented bargaining
8 unit by the removal of public safety employees may be filed
9 by a public safety employee who is a member of the bargaining
10 unit. If the petition is accompanied by evidence satisfactory
11 to the board that the public safety employees in the bargaining
12 unit do not constitute at least thirty percent of the employees
13 in the unit and that a majority of the public safety employees
14 in the unit support the petition, the board shall conduct
15 a hearing within thirty days of its finding such evidence
16 satisfactory and shall promptly thereafter issue an order
17 granting or denying the requested amendment. If the board
18 amends the composition of the bargaining unit by removing
19 public safety employees, those employees may immediately be the
20 subject of a separate bargaining unit determination petition
21 filed in accordance with subsection 1.

22 5. Appeals from such orders shall be governed by the
23 provisions of chapter 17A.

24 Sec. 21. Section 20.15, Code 2021, is amended by striking
25 the section and inserting in lieu thereof the following:

26 **20.15 Elections.**

27 1. Upon the filing of a petition for certification of an
28 employee organization, the board shall submit a question to
29 the public employees at an election in the bargaining unit
30 found appropriate by the board. The question on the ballot
31 shall permit the public employees to vote for no bargaining
32 representation or for any employee organization which has
33 petitioned for certification or which has presented proof
34 satisfactory to the board of support of ten percent or more of
35 the public employees in the appropriate unit.

1 2. If a majority of the votes cast on the question is
2 for no bargaining representation, the public employees in
3 the bargaining unit found appropriate by the board shall not
4 be represented by an employee organization. If a majority
5 of the votes cast on the question is for a listed employee
6 organization, then that employee organization shall represent
7 the public employees in the bargaining unit found appropriate
8 by the board.

9 3. If none of the choices on the ballot receives the vote
10 of a majority of the public employees voting, the board shall
11 conduct a runoff election among the two choices receiving the
12 greatest number of votes.

13 4. Upon written objections filed by any party to the
14 election within ten days after notice of the results of
15 the election, if the board finds that misconduct or other
16 circumstances prevented the public employees eligible to
17 vote from freely expressing their preferences, the board may
18 invalidate the election and hold a second election for the
19 public employees.

20 5. Upon completion of a valid election in which the majority
21 choice of the employees voting is determined, the board shall
22 certify the results of the election and shall give reasonable
23 notice of the order to all employee organizations listed on the
24 ballot, the public employers, and the public employees in the
25 appropriate bargaining unit.

26 6. a. A petition for certification as exclusive bargaining
27 representative of a bargaining unit shall not be considered
28 by the board for a period of one year from the date of the
29 noncertification of an employee organization as the exclusive
30 bargaining representative of that bargaining unit following a
31 certification election. A petition for certification as the
32 exclusive bargaining representative of a bargaining unit shall
33 also not be considered by the board if the bargaining unit is
34 at that time represented by a certified exclusive bargaining
35 representative.

1 *b.* A petition for the decertification of the exclusive
2 bargaining representative of a bargaining unit shall not be
3 considered by the board for a period of one year from the date
4 of its certification, or within one year of its continued
5 certification following a decertification election, or during
6 the duration of a collective bargaining agreement which, for
7 purposes of this section, shall be deemed not to exceed two
8 years. However, if a petition for decertification is filed
9 during the duration of a collective bargaining agreement, the
10 board shall award an election under this section not more than
11 one hundred eighty days and not less than one hundred fifty
12 days prior to the expiration of the collective bargaining
13 agreement. If an employee organization is decertified, the
14 board may receive petitions under section 20.14, provided that
15 no such petition and no election conducted pursuant to such
16 petition within one year from decertification shall include as
17 a party the decertified employee organization.

18 7. A collective bargaining agreement with the state, its
19 boards, commissions, departments, and agencies shall be for two
20 years. The provisions of a collective bargaining agreement or
21 arbitrator's award affecting state employees shall not provide
22 for renegotiations which would require the refinancing of
23 salary and fringe benefits for the second year of the term of
24 the agreement, except as provided in section 20.17, subsection
25 6. The effective date of any such agreement shall be July 1 of
26 odd-numbered years, provided that if an exclusive bargaining
27 representative is certified on a date which will prevent the
28 negotiation of a collective bargaining agreement prior to
29 July 1 of odd-numbered years for a period of two years, the
30 certified collective bargaining representative may negotiate
31 a one-year contract with the public employer which shall be
32 effective from July 1 of the even-numbered year to July 1
33 of the succeeding odd-numbered year when new contracts shall
34 become effective.

35 Sec. 22. Section 22.7, subsections 69 and 70, Code 2021, are

1 amended to read as follows:

2 69. The evidence of public employee support for
3 the certification, ~~retention and recertification,~~ or
4 decertification of an employee organization as defined in
5 section 20.3 that is submitted to the public employment
6 relations board as provided in [section 20.14](#) or [20.15](#).

7 70. Information indicating whether a public employee
8 voted in a certification, ~~retention and recertification,~~ or
9 decertification election held pursuant to [section 20.15](#) or
10 how the employee voted on any question on a ballot in such an
11 election.

12 Sec. 23. Section 602.1401, subsection 3, paragraph b, Code
13 2021, is amended to read as follows:

14 b. For purposes of [chapter 20](#), the certified representative,
15 which on July 1, 1983, represents employees who become judicial
16 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
17 remain the certified representative when the employees become
18 judicial branch employees and thereafter, unless the public
19 employee organization is ~~not retained and recertified or is~~
20 decertified in an election held under [section 20.15](#) or amended
21 or absorbed into another certified organization pursuant to
22 chapter 20. Collective bargaining negotiations shall be
23 conducted on a statewide basis and the certified employee
24 organizations which engage in bargaining shall negotiate on a
25 statewide basis, although bargaining units shall be organized
26 by judicial district. The public employment relations board
27 shall adopt rules pursuant to [chapter 17A](#) to implement this
28 subsection.

29 Sec. 24. Section 905.4, subsection 2, Code 2021, is amended
30 to read as follows:

31 2. Employ a director having the qualifications required by
32 section 905.6 to head the district department's community-based
33 correctional program and, within a range established by the
34 Iowa department of corrections, fix the compensation of and
35 have control over the director and the district department's

1 staff. For purposes of collective bargaining under chapter
2 20, employees of the district board who are not exempt from
3 chapter 20 are employees of the state, and the employees of all
4 of the district boards shall be included within one collective
5 bargaining unit. Furthermore, employees of the district board
6 shall be considered state employees for purposes of section
7 8A.415, subsection 2.

8 Sec. 25. DIRECTIVES TO PUBLIC EMPLOYMENT RELATIONS BOARD.

9 1. The public employment relations board shall cancel any
10 elections scheduled or in process pursuant to section 20.15,
11 subsection 2, Code 2021, as of the effective date of this
12 division of this Act.

13 2. Notwithstanding section 20.15, subsection 1, paragraph
14 "c", Code 2021, the public employment relations board
15 shall consider a petition for certification of an employee
16 organization as the exclusive representative of a bargaining
17 unit for which an employee organization was not retained and
18 recertified as the exclusive representative of that bargaining
19 unit regardless of the amount of time that has elapsed since
20 the retention and recertification election at which an employee
21 organization was not retained or recertified.

22 DIVISION VII

23 LAW ENFORCEMENT DATA COLLECTION AND REPORTING

24 Sec. 26. NEW SECTION. 13.12 Law enforcement data collection
25 and reporting.

26 1. Every state and local law enforcement agency shall
27 collect and compile data on each traffic, bicycle, or
28 pedestrian stop conducted by its officers, and shall report the
29 data to the attorney general on or before July 1 of each year,
30 subject to subsection 3. All of the following information
31 shall be collected and compiled for each stop, including but
32 not limited to stops that involve questioning or a driver's
33 license or motor vehicle registration check but that do not
34 result in the issuance of a written citation or warning:

35 a. The time, date, location, and duration of the stop.

1 *b.* The reason for the stop.

2 *c.* Whether the officer performed a driver's license or motor
3 vehicle registration check.

4 *d.* Whether the officer issued a citation or an oral or
5 written warning.

6 *e.* The offense for which the individual was warned, cited,
7 or arrested, if applicable.

8 *f.* The race, ethnicity, sex, and approximate age of the
9 individual, and whether English is the individual's primary
10 language. The identification of these characteristics shall be
11 based primarily on information obtained from the individual's
12 driver's license or nonoperator's identification card and
13 secondarily on the observations and perceptions of the officer
14 performing the stop. The officer shall not be required to
15 inquire about the individual's race or ethnicity, or whether
16 English is the individual's primary language, and shall rely
17 principally on such information encrypted on the individual's
18 driver's license or nonoperator's identification card pursuant
19 to section 321.189 or 321.190. The identifying characteristics
20 of any passenger in the motor vehicle shall also be reported
21 if the stop involved the passenger and the officer performed a
22 search.

23 *g.* Whether the officer asked for consent to search the
24 individual or vehicle and whether the individual consented to
25 the search; whether the officer searched the individual, the
26 vehicle, or any property, and the basis for the search; and
27 whether the officer seized any property, a description of the
28 property seized, and the basis for seizing the property.

29 *h.* Whether the officer used physical force against the
30 individual and whether the individual used physical force
31 against the officer.

32 *i.* Any other information which the officer or law
33 enforcement agency considers appropriate.

34 2. The attorney general shall develop a standardized form to
35 be used by law enforcement agencies in collecting, compiling,

1 and reporting the information pursuant to subsection 1.

2 3. *a.* Every state law enforcement agency, every local law
3 enforcement agency with jurisdiction over a county, and every
4 local law enforcement agency with jurisdiction over a city with
5 a population of four thousand five hundred or more shall submit
6 its first report to the attorney general on or before July 1,
7 2021.

8 *b.* Every local law enforcement agency with jurisdiction over
9 a city with a population of at least two thousand five hundred
10 but less than four thousand five hundred shall submit its first
11 report to the attorney general on or before July 1, 2022.

12 *c.* Every local law enforcement agency with jurisdiction over
13 a city with a population of less than two thousand five hundred
14 shall submit its first report to the attorney general on or
15 before July 1, 2023.

16 4. *a.* Except as otherwise provided by law, a law
17 enforcement agency shall not grant access to any personal
18 identifying information contained in the data collected by
19 the agency to any person except a federal, state, local, or
20 tribal government employee or agent who requires access to such
21 information in order to collect, compile, and report the data
22 in accordance with this section.

23 *b.* A law enforcement agency may permit a contractor
24 or nongovernmental entity to access personal identifying
25 information contained in the data if the contractor or
26 nongovernmental entity signs an agreement with the agency
27 which prohibits further disclosure of the personal identifying
28 information by the contractor or nongovernmental entity, and
29 if the contractor or nongovernmental entity is required by the
30 agreement to maintain adequate security measures to prevent
31 unauthorized access to the personal identifying information.

32 5. On or before December 15, 2021, and each year thereafter,
33 the attorney general shall publish a report on the attorney
34 general's internet site containing the compiled data and
35 reports received by the attorney general pursuant to this

1 section for the period ending July 1 of the calendar year in
2 which the report is published. The report shall not contain
3 any unique personal identifying information of any peace
4 officer or other person involved in a particular incident,
5 including but not limited to names and badge numbers.

6 Sec. 27. Section 321.189, subsection 2, paragraph a, Code
7 2021, is amended to read as follows:

8 a. Appearing on the driver's license shall be a
9 distinguishing number assigned to the licensee; the licensee's
10 full name, date of birth, sex, and residence address; a
11 color photograph; a physical description of the licensee;
12 the name of the state; the dates of issuance and expiration;
13 and the usual signature of the licensee. The license shall
14 identify the class of vehicle the licensee may operate and the
15 applicable endorsements and restrictions which the department
16 shall require by rule. The licensee's race and ethnicity, and
17 whether English is the licensee's primary language, shall be
18 encrypted on the back of the license.

19 Sec. 28. Section 321.190, subsection 1, paragraph a, Code
20 2021, is amended to read as follows:

21 a. The department shall, upon application and payment
22 of the required fee, issue to an applicant a nonoperator's
23 identification card. To be valid the card shall bear a
24 distinguishing number other than a social security number
25 assigned to the cardholder, the full name, date of birth,
26 sex, residence address, a physical description and a color
27 photograph of the cardholder, the usual signature of the
28 cardholder, and such other information as the department may
29 require by rule. The card shall also contain the cardholder's
30 race and ethnicity, and whether English is the cardholder's
31 primary language, encrypted on the back of the card. An
32 applicant for a nonoperator's identification card shall
33 apply for the card in the manner provided in section 321.182,
34 subsections 1 through 3. The card shall be issued to the
35 applicant at the time of application pursuant to procedures

1 established by rule. An applicant for a nonoperator's
2 identification card who is required by 50 U.S.C. app. §451
3 et seq. to register with the United States selective service
4 system shall be registered by the department with the selective
5 service system as provided in [section 321.183](#).

6 DIVISION VIII

7 CRITICAL INCIDENTS

8 Sec. 29. NEW SECTION. 80J.1 Peace officer-involved
9 shootings and peace officer-involved critical incidents —
10 investigations.

11 1. As used in this section:

12 a. "*Division*" means the division of criminal investigation
13 of the department of public safety.

14 b. "*Peace officer*" means the same as defined in section
15 97A.1.

16 c. "*Peace officer-involved critical incident*" means any of
17 the following in the peace officer's official capacity as a
18 peace officer:

19 (1) The use of a dangerous weapon by a peace officer against
20 any person that causes serious bodily injury or fatal injury
21 to any person.

22 (2) The use of a motor vehicle by a peace officer that
23 causes a physical injury to any person, including a fatal
24 injury.

25 (3) The death of a person who is in law enforcement custody,
26 not including a death that is the result of disease, natural
27 causes, or conditions that had been medically diagnosed prior
28 to the person's death.

29 d. "*Peace officer-involved shooting*" means the discharge
30 of a firearm by a peace officer that results in a physical
31 injury, serious bodily injury, or death of a person, including
32 an accidental discharge of a firearm.

33 e. "*Serious bodily injury*" means bodily injury which
34 involves a substantial risk of death, unconsciousness, extreme
35 physical pain, protracted and obvious disfigurement, or

1 protracted loss or impairment of the function of a bodily
2 member, organ, or mental faculty.

3 2. A peace officer involved in a peace officer-involved
4 shooting or a peace officer-involved critical incident
5 shall have the right to have legal counsel present, at the
6 peace officer's expense, during any investigation, including
7 an interview, interrogation, meetings, or any criminal
8 administrative proceedings arising out of the incident. The
9 peace officer shall be allowed a reasonable opportunity
10 to obtain legal counsel in advance of any interview,
11 interrogation, or proceeding.

12 3. The peace officer involved in the incident shall be
13 issued, upon request, at no charge, a certified copy of any
14 video or audio recordings related to the incident to use in the
15 peace officer's defense, including body camera video, radio
16 traffic recordings, and any statements by the peace officer.
17 The records shall be provided at least forty-eight hours prior
18 to an interview, interrogation, or grand jury proceeding. The
19 peace officer or legal counsel for the peace officer shall
20 not release any confidential video or audio recordings to
21 the public without the written consent of the lawful records
22 custodian or a court order authorizing the release.

23 4. The name of the peace officer shall be kept confidential
24 until the peace officer has been interviewed or interrogated
25 as part of the criminal investigation, or until the peace
26 officer declines a voluntary interview. Personal information,
27 including a peace officer's home address, personal contact
28 information, and date of birth shall be kept confidential.

29 5. The law enforcement agency employing a peace officer
30 involved in a peace officer-involved shooting or a peace
31 officer-involved critical incident shall promptly offer
32 confidential peer support and confidential counseling to the
33 peace officer at no charge to the peace officer.

34 DIVISION IX

35 JUSTICE AND COMMUNITY POLICING ADVISORY BOARD

1 Sec. 30. Section 216A.3, subsection 2, paragraph a, Code
2 2021, is amended to read as follows:

3 a. The voting members shall consist of nine voting members
4 selected by each of the permanent commissions within the
5 department, and two voting members, appointed by the governor.
6 For purposes of this paragraph "a", "permanent commissions"
7 means the commission of Latino affairs, commission on the
8 status of women, commission of persons with disabilities,
9 commission on community action agencies, commission of deaf
10 services, justice and community policing advisory board,
11 commission on the status of African Americans, commission of
12 Asian and Pacific Islander affairs, and commission of Native
13 American affairs. The term of office for voting members is
14 four years.

15 Sec. 31. Section 216A.131, subsection 2, Code 2021, is
16 amended to read as follows:

17 2. "Board" means the justice and community policing advisory
18 board.

19 Sec. 32. Section 216A.132, subsection 1, Code 2021, is
20 amended by striking the subsection and inserting in lieu
21 thereof the following:

22 1. A justice and community policing advisory board is
23 established consisting of thirty-two members who shall all
24 reside in the state.

25 a. The governor shall appoint thirteen voting members
26 each for a four-year term beginning and ending as provided in
27 section 69.19 and subject to confirmation by the senate as
28 follows:

29 (1) A sheriff who is a member of the Iowa state sheriffs'
30 and deputies' association.

31 (2) A chief of police who is a member of the Iowa police
32 chiefs association.

33 (3) A peace officer who is a member of the Iowa peace
34 officers association.

35 (4) A peace officer who is a member of the fraternal order

1 of police.

2 (5) A peace officer who is a member of the Iowa state police
3 association.

4 (6) A representative from the Iowa-Nebraska national
5 association for the advancement of colored people.

6 (7) A representative from the American civil liberties
7 union of Iowa.

8 (8) A representative from the Iowa coalition for collective
9 change.

10 (9) One person who was formerly under juvenile court or
11 correctional supervision.

12 (10) A representative from the office of the state public
13 defender.

14 (11) A representative from the Iowa county attorneys
15 association.

16 (12) Two persons representing the general public who are
17 not employed in any law enforcement, judicial, or corrections
18 capacity, including one person who is older than fifteen years
19 of age but less than twenty-five years of age.

20 *b.* The following shall serve on the board as ex officio,
21 nonvoting members:

22 (1) The chairperson of the commission on the status of
23 African Americans or its designee.

24 (2) The chairperson of the commission of Latino affairs or
25 its designee.

26 (3) The chairperson of the commission of Asian and Pacific
27 Islander affairs or its designee.

28 (4) The chairperson of the commission of Native American
29 affairs or its designee.

30 (5) The director of the department of human services or its
31 designee.

32 (6) The director of the department of public health or its
33 designee.

34 (7) The commissioner of the department of public safety or
35 its designee.

1 (8) The director of the Iowa law enforcement academy or its
2 designee.

3 (9) The director of the department of corrections or its
4 designee.

5 (10) The chairperson of the board of parole or its designee.

6 (11) The attorney general or its designee.

7 (12) The director of the governor's office of drug control
8 policy or its designee.

9 (13) One member representing the judicial district
10 departments of correctional services designated by a majority
11 of the directors of the judicial district departments of
12 correctional services.

13 (14) The chief justice of the supreme court shall designate
14 the following:

15 (a) One member who is a district judge.

16 (b) One member who is either a district associate judge or
17 associate juvenile judge.

18 (15) The chairperson and ranking member of the senate
19 committee on judiciary shall be ex officio, nonvoting members.
20 In alternating two-year terms, beginning and ending as provided
21 in section 69.16B, the chairperson and ranking member of the
22 house committee on judiciary or of the house committee on
23 public safety shall be ex officio, nonvoting members, with the
24 chairperson and ranking member of the house committee on public
25 safety serving during the term beginning in January 2022.

26 Sec. 33. Section 216A.133, subsection 3, paragraph o, Code
27 2021, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (9) Potential disparity in law
29 enforcement activities and the delivery of law enforcement
30 services.

31 Sec. 34. Section 216A.133, subsection 3, Code 2021, is
32 amended by adding the following new paragraphs:

33 NEW PARAGRAPH. s. Studying and making recommendations for
34 eliminating disparity in law enforcement activities and the
35 delivery of law enforcement services.

1 NEW PARAGRAPH. *t.* Recommending to the department the
2 adoption of rules pursuant to chapter 17A as it deems necessary
3 for the collection, compilation, and reporting of stop data
4 pursuant to section 80I.4.

5 Sec. 35. Section 216A.135, subsection 2, Code 2021, is
6 amended by adding the following new paragraph:

7 NEW PARAGRAPH. *g.* An assessment and analysis of the
8 collection, compilation, and reporting of stop data compiled by
9 law enforcement agencies, including an analysis of disparate
10 treatment based on personal demographics across geographic
11 areas of the state, the past and current status of racial
12 profiling across the state, and the impact on law enforcement
13 stop, search, and seizure tactics.>

14 2. Title page, by striking lines 1 through 6 and inserting
15 <An Act relating to public records including confidentiality,
16 access, data collection, the enforcement of public records
17 violations, and uniform commercial code filings; certain
18 employment matters including benefits, workers' compensation,
19 civil actions, and public employment; and law enforcement
20 including critical incidents and racial profiling.>

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